IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 232 OF 2002

Board of Trustees of
the Port of Mormugao,
a body corporate constituted
under the Major Port
Trusts Act, 1963, having
its office at Headland,
Sada, Goa. ... Petitioners.

Versus

1. Employees' State
Insurance Corporation, a
body corporate constituted
under the Employees' State
Insurance Act, 1948, having
its registered Office at
Panchdeep Bhawan, EDC,
Plot No.23, Patto, Panaji,
Goa 403 001,

2. Regional Director, Regional
Office, Employees' State
Insurance Corporation,
having his office at Panchdeep
Bhawan, 3rd Floor, EDC,
Plot No.23, Pattor,
Panaji, Goa, 403 001,

3. Shri K. Ramkrishnan,
Recovery Officer, Regional
Office, Employees' State
Insurance Corporation,
having his office at
Panchdeep Bhawan, EDC,
Plot No.23, Patto,
Panaji, Goa, 40 3001,

4. M.O.H.P. & Other Institutional
Labourers Co-operative
Society Ltd., a Co-operative
Society registered under
the Co-operative Societies
Act, having its registered
office at Dharmanand Kossambe
Bldg., 2nd Floor, Vasco da
Gama, Goa and its Postal
Address at Our Lady of Guia
Bldg., lst Floor, above 'T'
Corner, Vasco da Gama, Goa,
through its Chairman,

5. The Branch Manager, Bank

of India, Headland Sada Branch, Headland Sada, Goa,

6. The Branch Manager, State Bank of India, Commercial Branch, Shree Vidhyadhiraj Branch, Francisco Luis Gomes Road, Vasco da Gama, Goa, and

7. The Branch Manager, State Bank of India, Mormugao Harbour Branch, Mormugao Port Trust New Administrative Bldg., Goa. ... Respondents.

Shri V. B. Nadkarni, Senior Advocate with Shri Y. V. Nadkarni, advocate for the petitioners.

Smt. A. A. Agni, advocate for respondents no.1 to 3.

Shri G. Sardessai, advocate for respondent no.4.

CORAM: S. RADHAKRISHNAN &
P. V. HARDAS, JJ.

DATE; 14th August, 2002.

ORAL ORDER (Per S. Radhakrishnan, J.)

Heard learned counsel for the petitioners, learned counsel for respondents nos.1 to 3 and learned counsel for respondent no.4.

2. After hearing the parties for some time, the learned counsel for the petitioners states that the petitioners are agreeable to appear before the respondent no.2 and place all the material before the respondent no.2 to decide afresh the issue of the liability of the petitioners. In these circumstances the learned counsel for the petitioners submits that within a period of three weeks from today, the petitioners will place all the material by way of an affidavit and documents before

respondent no.2, with regard to the dispute involved in this petition and also that the petitioners may also lead evidence, if any. The learned counsel for respondents no.1 to 3 states that respondent no.2 will decide the matter afresh with regard to the liability of the petitioners within three months thereafter. It is made clear that respondent no.2 will entertain the said representation and decide the claim of the petitioners afresh, only if the petitioners deposit Rs.30,00,000/- (rupees thirty lakhs only) within a week from today, by a D/D drawn in favour of respondent no.2, on any nationalized Bank.

3. Upon such deposit being made with respondent no.2 within a week from today, respondent no.2 shall accept the affidavits/documents and allow the petitioners to lead evidence on the dispute herein and decide the same within a period of three months from the date, the same is submitted to respondent no.2. It is also made clear that unless and until the petitioners deposit the sum of Rs.30,00,000/- as aforesaid with respondent no.2, the petitioners shall not be entitled to operate the three bank accounts which are mentioned in the petition and as soon as the aforesaid deposit of Rs.30,00,000/- is made with respondent no.2, the aforesaid three bank accounts will be permitted to be operated.

4. It is further clarified that upon deposit of the abovesaid sum of Rs.30,00,000/- with respondent no. 2, the impugned Notices dated 9th August, 2002, Exh. "A" (colly.), issued under Section 45 G of the Employees State Insurance Act, 1948, shall stand quashed and set aside.

5. The learned counsel for the petitioners states that the petitioners have already served respondents no.5, 6 and 7. Though served, respondents no. 5 to 7 are not appearing before us today. Learned counsel for the petitioners states that within a week from today, the affidavit of service will be filed in this Court.

6. In the event any Order that may be passed by respondent no.2 after hearing the petitioners as abovementioned, is adverse to the petitioners, the aforesaid sum of Rs.30,00,000/- shall not be appropriated for a period of three weeks from the date of receipt of communication of the said Order by the petitioners.

7. It is also made clear that in the event the petitioners do not deposit the aforesaid sum of Rs.30,00,000/- within a week from today, the respondents are at liberty to proceed further in accordance with law.

8. Under these circumstances, the learned counsel for the petitioners seeks leave of the Court to

withdraw this petition. Petition is allowed to be withdrawn. Petition dismissed as withdrawn with no order as to costs.

S. RADHAKRISHNAN, J.

P. V. HARDAS, J.

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